IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 8861 of 2005

Between:

Z.N.V.R. High School, Penugonda, West Godavari District, Rep. by its Correspondent Nuli Nuli Venkata Soma Raju,
S/o. Lakshmi Narayana, Aged about 58 Years, R/o. Penugonda, West Godavari District.

..... PETITIONER

AND

1 The Commissioner (Appeals), Office of the Chief Commissioner, of Land Aministration, Andhra Pradesh, Hyderabad.
2 The District Collector, Eluru, West Godavari District.
3 The Revenue Divisional Officer, Kovvur, West Godavari District.
4 The Mandal Revenue Officer, Penugonda, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction particularly one in nature of Writ of Mandamus declaring that the inaction of the first respondent in not passing any orders in appeal stay petition CCLA's Ref.No. BCW5/522/2004 as arbitrary and illegal when the petitioners school is in possession of play ground assigned Ac. 1-70 cents in S.No. 130/1A of Cherukawada Village and Ac. 1-95 cents in Rs.No. 301/2 of Penugonda Village from the year 1950 onwards and also to suspend the proceedings of the second respondent or dis.A7.7873/94 dated 11-2-1995 as the respondents have not served any prior notice to the petitioners before passing the resumption orders to the Petitioners school which is against the principles of natural justices and passes such other order or orders deemed fit and proper.

Counsel for the Petitioner: MR.K.V.UPENDRA GUPTA

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the stage of admission made the following :

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ORAL ORDER:

Heard both sides.

In this Writ Petition, petitioner is seeking a Writ of Mandamus, declaring the action of the first respondent in not passing any orders in appeal stay petition CCLA's Ref. No. BCW5/522/2004, as arbitrary and illegal.

The grievance of the petitioner is that he filed an appeal No. CCLA's No. BCW5/522/2004 before the Chief Commissioner of Land Administration A.P., Hyderabad- first respondent herein, aggrieved by the orders passed by the Joint Collector dated 11.2.1995, on 24.11.2004 and the same was admitted on 15.12.2004, but, no orders were passed in the stay application. Taking advantage of the situation, the respondents are taking steps to take the possession by fencing the playground and proposing to build MRO office in the playground of the Petitioner School. Therefore, he come up with the present Writ petition questioning the inaction of the first respondent in not passing any orders in the stay petition filed along with the appeal.

As the appeal is already admitted by the first respondent, without going into the merits of the case, I direct the first respondent to dispose of the appeal, as expeditiously as possible, within a period of eight weeks form the date of receipt of a copy of this order. Till such time, the petitioner shall not be dispossessed from the land.

Accordingly, the Writ Petition is disposed of. No order as to costs.

ELIPE DHARMA RAO,J

DATED: 06.06.2005

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Note: Furnish copy in two days.

To

1 The Commissioner (Appeals), Office of the Chief Commissioner,
of Land Aministration, Andhra Pradesh, Hyderabad.
2 The District Collector, Eluru, West Godavari District.
3 The Revenue Divisional Officer, Kovvur, West Godavari District.
4 The Mandal Revenue Officer, Penugonda, West Godavari District.

5. Two CCs to G.P. for Revenue, High Court of A.P., Hyderabad, (OUT)

6. Two CD copies.